

Armstrong, Kathy

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Wednesday, March 13, 2019 1:58 PM
To: Stopper, Nathan
Cc: Veira, E. Fitzgerald; Mann, Valerie (ENRD); Suzanne Success Osborne; Williams, Laura; Rubini, Suzanne; Houser, Maria V.
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Understood. Will do.

Matthew C. Welch
 Deputy County Attorney
 DeKalb County Law Department
 1300 Commerce Drive, 5th Floor
 Decatur, GA 30030
 404-371-2297 Office
 404-859-1129 Cell
macwelch@dekalbcountyga.gov

Confidentiality Notice—ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

This message (including any attachments) is being sent by or on behalf of a lawyer. It constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. §2510, and its disclosure is strictly and exclusively intended for the individual or entity to which it is addressed. This message contains information that is protected by the attorney-client privilege and/or the attorney work product doctrine, and is proprietary, privileged, confidential, or otherwise legally exempt from disclosure. If you are not a named addressee, you are not authorized to read, use, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail, and please delete from all locations all copies of the message without reading or saving any part in any manner.

From: Stopper, Nathan [mailto:stopper.nathan@epa.gov]
Sent: Wednesday, March 13, 2019 1:48 PM
To: Welch, Matthew C.
Cc: Veira, E. Fitzgerald; Mann, Valerie (ENRD); Suzanne Success Osborne; Williams, Laura; Rubini, Suzanne; Houser, Maria V.
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Thanks, Matt. We'll get back in touch shortly. In the meantime, please hold all of these dates on your calendar.

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Wednesday, March 13, 2019 11:19 AM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Nate,

As we discussed this morning, the 24th worked for us, but the 17th won't work at this point. Based on what I know today, the County can be available Thursday the 25th (afternoon), Friday the 26th, Wednesday May 1st, Thursday May 2nd (afternoon), or Friday May 3rd. I might be able to shift things around to accommodate a meeting on Monday April 29th, as well.

Let me know if any of these dates will work for your teams.

thanks

Matthew C. Welch
Deputy County Attorney
DeKalb County Law Department
1300 Commerce Drive, 5th Floor
Decatur, GA 30030
404-371-2297 Office
404-859-1129 Cell
macwelch@dekalbcountyga.gov

Confidentiality Notice—ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

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From: Stopper, Nathan [<mailto:stopper.nathan@epa.gov>]
Sent: Tuesday, March 12, 2019 10:50 AM
To: Welch, Matthew C.
Cc: Veira, E. Fitzgerald; Mann, Valerie (ENRD); Suzanne Success Osborne; Williams, Laura; Rubini, Suzanne; Houser, Maria V.
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Thanks. It looks like the 24th actually doesn't work for us and the 22nd is a state holiday. Sorry, scheduling with so many ever-changing calendars is a nightmare. Let's do the 17th if it works for you all.

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Tuesday, March 12, 2019 10:01 AM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: Re: DeKalb - Quarterly Meeting and Stipulated Penalties

I believe the 24th will work best for us, but I'll double check all 3 dates and let you know availability ASAP.

Matthew C. Welch

Deputy County Attorney
macwelch@dekalbcountyga.gov
404-371-2297 Office
404-859-1129 Cell

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

On Mar 12, 2019, at 9:47 AM, Stopper, Nathan <stopper.nathan@epa.gov> wrote:

Sorry for the confusion, but it now looks like April 17th also works for us. Let's go with that, if it's still good for you all.

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Tuesday, March 12, 2019 9:46 AM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: Re: DeKalb - Quarterly Meeting and Stipulated Penalties

Nate—

Working to confirm these dates. Please hold them for me—I should have an answer for you by tomorrow.

Thanks!

Matthew C. Welch
Deputy County Attorney
macwelch@dekalbcountyga.gov
404-371-2297 Office
404-859-1129 Cell

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

On Mar 12, 2019, at 8:23 AM, Stopper, Nathan <stopper.nathan@epa.gov> wrote:

How about April 22 or 24?

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Monday, March 04, 2019 1:48 PM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: Re: DeKalb - Quarterly Meeting and Stipulated Penalties

Nate,

Our Board of Commissioners meets on Tuesday's and the County Attorney will be unavailable that date. We can be available the afternoon of the 11th or anytime on the 12th. We also have availability on Wednesday the 17th and the afternoon of Thursday the 18th if any of those can work for the agencies.

Matthew C. Welch
Deputy County Attorney
macwelch@dekalbcountyga.gov
404-371-2297 Office
404-859-1129 Cell

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

On Mar 4, 2019, at 7:00 AM, Stopper, Nathan <stopper.nathan@epa.gov> wrote:

All,

Does April 9 from 1-4 work for you all for the quarterly meeting?
Additionally, I'd like to set up a call next week to discuss the assessment of stipulated penalties for 2018. How does Wednesday or Thursday at 10:00 work for everyone?

Thanks,
Nate

Nathan H. Stopper
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Office of Regional Counsel
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
Phone: (404) 562-9581
Fax: (404) 562-9487

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 15 2019

CERTIFIED MAIL 7017 1450 0000 7913 0551
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (GAEPD) have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports that were submitted from the First Quarter of 2018 (dated April 30, 2018) to the Fourth Quarter of 2018 (dated January 30, 2019) under Section IX (Reporting Requirements) of the above-referenced Consent Decree.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree, the United States and the State of Georgia may assess a stipulated penalty for each Spill (a discharge of wastewater from the wastewater collection and transmission system which reaches waters of the United States or the State) in a dollar amount that is dependent on the size and date of the Spill. The County reported 183 Spills that occurred between January 1, 2018 and December 31, 2018. These included 130 Spills 10,000 gallons or less, which are each subject to a stipulated penalty of \$500, for a total stipulated penalty of \$65,000 (130 x \$500). The County also reported 53 Spills greater than 10,000 gallons. Because these Spills occurred more than 5 years after the Consent Decree's Date of Entry, they are each subject to a stipulated penalty of \$2,000, for a total stipulated penalty of \$106,000 (53 x \$2,000).

Upon review of the submitted documentation and the circumstances of the Spills, and in light of the County's compliance history, the EPA and EPD hereby assess and demand stipulated penalties in the amount of \$171,000 (\$65,000 + \$106,000) for all 183 Spills that occurred in 2018.

In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$85,500 (50%) of the stipulated penalties to the United States and \$85,500 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The Financial Litigation Unit of the U.S. Attorney's Office will provide the County with confirmation of the electronic funds transfer wiring instructions for the payment to the United States, which are the same as the instructions previously provided to the County for the payment

of prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division; ATTN: Mr. Lewis Hays; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 10 and 69 of the Consent Decree. The County shall also notify Ms. Sara Janovitz at janovitz.sara@epa.gov once the stipulated penalties have been paid.

If you have any questions, please have your attorneys contact Mr. Nathan Stopper, EPA Associate Regional Counsel, at (404) 562-9581, or Ms. Suzanne Osborne, Senior Assistant Attorney General, at (404) 656-7618.

Sincerely,



Jeaneanne M. Gettle, Director
Water Protection Division



Richard E. Dunn, Director
Georgia Environmental Protection Division

cc: See Attached Mailing List

Mailing List:

Mr. Thomas Mariani, Jr.
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Ms. Suzanne Osborne
Georgia Department of Law

Mr. James Capp
Georgia Environmental Protection Division

Mr. Lewis Hays
Georgia Environmental Protection Division

Ms. Laura Williams
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Dillon Rodenbaugh
Georgia Environmental Protection Division

Ms. Viviane Ernstes
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Mr. Reginald Wells
DeKalb County Department of Watershed Management

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Armstrong, Kathy

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 02, 2019 2:11 PM
To: Janovitz, Sara; Stopper, Nathan
Subject: FW: EFT PAYMENT RECEIVED_GAN19E015_DEKALB,COUNTY OF GEORGIA_050119
Attachments: EFT PAYMENT_GAN19E015_DEKALB,COUNTY OF GEORGIA_050119.doc

Dekalb County has paid.

From: Davis, Joe (ENRD) <JDavis@ENRD.USDOJ.GOV>
Sent: Thursday, May 2, 2019 2:08 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: FW: EFT PAYMENT RECEIVED_GAN19E015_DEKALB,COUNTY OF GEORGIA_050119

Hey Val,

Dekalb County has paid. Thanks.

Joe

From: Holloway, Diane (USAGAN) <Diane.Holloway@usdoj.gov>
Sent: Thursday, May 2, 2019 9:18 AM
To: Davis, Joe (ENRD) <JDavis@ENRD.USDOJ.GOV>
Subject: FW: EFT PAYMENT RECEIVED_GAN19E015_DEKALB,COUNTY OF GEORGIA_050119

FYI

DIANE T. HOLLOWAY
 Supervisory Paralegal Specialist
 Financial Litigation Unit
 U.S. Attorney's Office
 Northern District of Georgia
 (404) 581-6314
 (404) 581-6157 (fax)
Diane.Holloway@usdoj.gov

From: Gordon, Jason (JMD) <jgordon@jmd.usdoj.gov>
Sent: Wednesday, May 1, 2019 4:11 PM
To: Holloway, Diane (USAGAN) <DHolloway@usa.doj.gov>
Cc: Bailey, Donovan O. (JMD) <dobailey@jmd.usdoj.gov>; Travis, Brenda D (JMD) <btravis@jmd.usdoj.gov>
Subject: EFT PAYMENT RECEIVED_GAN19E015_DEKALB,COUNTY OF GEORGIA_050119

Greetings,

An EFT payment for **\$85,500.00** has been posted to CDCS Account Number 2012A1685 on 05/01/2019 for **DEKALB,COUNTY OF GEORGIA**. The EFT deposit number for this account is **GAN198015**.

The confirmation is attached for verification.

Regards,

JASON GORDON

Finance Specialist
Department of Justice
Nationwide Central Intake Facility (NCIF)
2 Constitution Square
145 N Street NE
Washington, DC 20002
202.616.3598



accenture
High performance. Delivered.



U.S. Department of Justice

Nationwide Central Intake Facility
145 N Street N.E.
6TH Floor 6W 406
Washington, DC 20530
Voice: 202-616-3598

Date: 05/01/2019
To: Diane T. Holloway
UNITED STATES ATTORNEY OFFICE-GEORGIA-NORTHERN

From: Jason Gordon
U.S. Department of Justice
Nationwide Central Intake Facility

Re: Confirmation Notice of Receipt of FEDWIRE Electronic Funds Transfer (EFT) by the NCIF

This document acknowledges and confirms that Nationwide Central Intake Facility (NCIF) has received a FedWire Electronic Funds Transfer (EFT). According to the advance notification document provided by your office to the NCIF, we have entered this EFT into CDCS as follows:

DEBTOR NAME	DEKALB,COUNTY OF GEORGIA
FEDWIRE EFT AMOUNT	\$85,500.00
CDCS NUMBER	2012A16850
REFERRING AGENCY CODE	EPAD
REFERRING AGENCY FILE/CLAIM NUMBER	EPAD-10-4039
CAUSE OF ACTION/PROGRAM CODE	ENWP
EFT DEPOSIT NUMBER	GAN19E015
DATE TREASURY RECEIVED THIS EFT	05/01/2019
DATE CONFIRMATION EMAIL	05/01/2019
EMAILED BY	Jason Gordon

NOTE: This completed document should be retained as part of the official records in lieu of a deposit slip.

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#4



DEKALB COUNTY

DEPARTMENT OF WATERSHED MANAGEMENT
1580 Roadhaven Drive, Stone Mountain, GA 30083
(770) 621-7200 • FAX (770) 621-7271



March 14, 2013

Ms. Denisse D. Diaz, Chief
Clean Water Enforcement Branch
United States Environmental Protection Agency
Region 4
61 Forsyth Street
Atlanta, GA 30303

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Ms. Diaz:

This transmittal letter notes that a payment of \$31,500 has been completed for the stipulated penalties owed pursuant to the Consent Decree entered in the above referenced matter.

Please find enclosed the Electronic Funds Transfer ("EFT") authorization form and the EFT transaction record.

Sincerely,

William E. (Ted) Rhinehart
Acting Director
Department of Watershed Management

WER:lyw

Enclosures

cc: Mr. W. Benjamin Fisherow, Chief, Environmental Enforcement Section
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

2013 APR 11 10:50 CWB

Page 2

Mr. William Phillips, Senior Assistant Attorney General
Department of Law

Ms. Audra Dickerson
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz, Unit Manager
Georgia Environmental Protection Division.

Mr. W. Burrell Ellis, Jr. Chief Executive Officer
DeKalb County Government

Ms. Lisa Chang, County Attorney
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP



Wire Transfer Debit Advice As Of 03/27/13 Distributed 03/27/13 4:14:38 PM EDT

Account: 1000137234562
DEKALB COUNTY WATERSHED CONCENTRATION

Wire Transfer Debit

Amount: \$31,500.00 USD

Fed/MAD Reference: 0327F1QCZ68C005947

SunTrust Reference Number: 130327017577

Beneficiary: /15030001
DEPT OF JUSTICE

Beneficiary Bank: A/021030004
TREAS NYC/FUNDS TRANSFER DIVISION
NEW YORK, NY

Originator: D/1000137234562
DEKALB COUNTY ACCOUNTING SERVICES
WATERSHED MGMT CONCENTRATION ACCT
1300 COMMERCE DR ANNEX BLDG
DECATUR GA 30030-3222

Originator to Beneficiary Information: USAU/GAN DEKALB,COUNTY OF GEORGIA
90-5-1-1-09497
2012A16850
GAN12E005

Sender Reference: 1000

Originator Reference: 1000

Money Transfer Customer Service

Please contact us for further information about this or other funds transfers. You may reach us at 1-800-947-3786 for information regarding domestic or international transfers. When inquiring about this transaction, please have the SunTrust Reference Number (above) available.

Thank you for banking with SunTrust.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 07 2013

#5

CERTIFIED MAIL 7012 1010 0001 8097 4038
RETURN RECEIPT REQUESTED

Mr. William Rhinehart
Acting Director, DeKalb County Department
of Watershed Management
1580 Roadhaven Drive
Stone Mountain, Georgia 30083

RE: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Rhinehart:

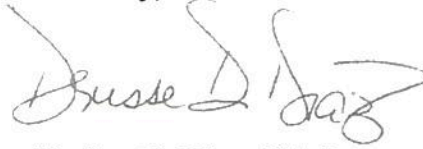
The U.S. Environmental Protection Agency, Region 4 is in receipt of the Quarterly Reports that DeKalb County has submitted from the First Quarter of 2012 (dated April 27, 2012) to the Fourth Quarter of 2012 (dated January 24, 2013) in compliance with Section IX, (Reporting Requirements) of the Consent Decree.

Pursuant to Section X.65.c. and d., of the Consent Decree, the EPA may assess a stipulated penalty for each spill in a dollar amount that is dependent on the size of the spill and when the spill occurred. The EPA could thus assess stipulated penalties totaling \$70,500 for the 141 spills that have occurred from January 1, 2012, to December 31, 2012. As a result of the circumstances surrounding some of the spills, the EPA has decided to exercise its enforcement discretion to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA hereby demands stipulated penalties, pursuant to Section X.65.c. and d. of the Consent Decree in the amount of \$63,000.00.

In accordance with Section X.67., of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$31,500.00 (50%) of the stipulated penalty to the State of Georgia and \$31,500.00 (50%) of the stipulated penalty to the United States for a total stipulated penalty amount of \$63,000.00. The Financial Litigation Unit will provide DeKalb County electronic funds transfer wiring instructions for the payment to the United States.

If you should have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,

A handwritten signature in dark ink, appearing to read "Denisse D. Diaz", written in a cursive style.

Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division

cc: Mr. W. Benjamin Fisherow, Chief, Environmental Enforcement Section
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. William Phillips, Senior Assistant Attorney General
Department of Law

Ms. Audra Dickson
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz, Unit Manager
Georgia Environmental Protection Division

Mr. W. Burrell Ellis, Jr., Chief Executive Officer
DeKalb County Government

Ms. Lisa Chang, County Attorney
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

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#6

Armstrong, Kathy

From: Schiff, Sara
Sent: Tuesday, February 19, 2013 7:37 AM
To: 'Basista, Joe'
Cc: Bush, William; 'Audra Dickson'; 'Marzieh Shahbazaz'
Subject: RE: DeKalb County Stipulated Penalties for 2012

Joe,

Thanks for getting back to me. The EPA and EPD will send a formal assessment letter.

Thanks,

Sara Schiff
(404) 562-9870

From: Basista, Joe [mailto:jjbasista@dekalbcountyga.gov]
Sent: Thursday, February 14, 2013 1:53 PM
To: Schiff, Sara
Cc: Bush, William; Audra Dickson; Marzieh Shahbazaz
Subject: RE: DeKalb County Stipulated Penalties for 2012

Sara –

We appreciate your consideration of the circumstances – a meeting will not be necessary. I assume you will forward a formal assessment letter?

Thanks – Joe

Joe Basista
Director, Dept of Watershed Management
DeKalb County
jjbasista@dekalbcountyga.gov
Tel 770-621-7234

From: Schiff, Sara [mailto:Schiff.Sara@epa.gov]
Sent: Thursday, February 14, 2013 8:54 AM
To: Basista, Joe
Cc: Bush, William; Audra Dickson; Marzieh Shahbazaz
Subject: DeKalb County Stipulated Penalties for 2012

Joe,

I hope you're having a great week. The EPA and EPD have calculated the 2012 stipulated penalties for DeKalb County based on the contents of the Consent Decree and reported spills. DeKalb County reported 141 spills from January 1, 2012, to December 31, 2012, and the calculated stipulated penalty for these spills is \$70,500. As a result of the circumstances surrounding some of the spills, the EPA and EPD have decided to exercise its enforcement action discretion and only assess a stipulated penalty of \$63,000 for 126 spills. Stipulated penalties were not assessed for spills

less than 1,000 gallons, caused by vandalism or outside contractor error or caused by a significant rain event in January 2012.

Please let me know if you would like to set up a meeting, either in person or by telephone, to discuss the stipulated penalties.

Thanks,

Sara Schiff
Environmental Engineer
Clean Water Enforcement Branch
US EPA Region 4
61 Forsyth Street
Atlanta, GA 30303
P: (404) 562-9870
F: (404) 562-9729

CONFIDENTIALITY NOTICE

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 27 2014

CERTIFIED MAIL 7012 1010 0002 0759 7233
RETURN RECEIPT REQUESTED

Dr. James M. Chansler, P.E.
Director, DeKalb County Department
of Watershed Management
1580 Roadhaven Drive
Stone Mountain, Georgia 30083

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Dr. Chansler:

The U.S. Environmental Protection Agency, Region 4 is in receipt of the Quarterly Reports that DeKalb County has submitted from the First Quarter of 2013 (dated April 9, 2013) to the Fourth Quarter of 2013 (dated January 30, 2014) in compliance with Section IX, (Reporting Requirements) of the Consent Decree.

Pursuant to Section X.65.c. and d., of the Consent Decree, the EPA may assess a stipulated penalty for each spill in a dollar amount that is dependent on the size of the spill and when the spill occurred. The EPA could thus assess stipulated penalties totaling \$64,000 for the 127 spills that occurred from January 1, 2013, through December 31, 2013. As a result of the circumstances surrounding some of the spills, the EPA has decided to exercise its enforcement discretion to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA hereby demands stipulated penalties, pursuant to Section X.65.c. and d. of the Consent Decree in the amount of \$54,000.00.

In accordance with Section X.67., of the Consent Decree, DeKalb County shall pay (within 30 days of receipt of this letter) \$27,000.00 (50%) of the stipulated penalty to the State of Georgia and \$27,000.00 (50%) of the stipulated penalty to the United States for a total stipulated penalty amount of \$54,000.00. The Financial Litigation Unit will provide DeKalb County electronic funds transfer wiring instructions for the payment to the United States.

#7

If you should have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,

A handwritten signature in dark ink, appearing to read "Denisse D. Diaz", written in a cursive style.

Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division

cc: Mr. W. Benjamin Fisherow
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. William Phillips
Department of Law

Mr. Hsin-Sheng Yeh
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Lee May
DeKalb County Government

Ms. Lisa Chang
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

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#8

Armstrong, Kathy

From: Lambert, Charles <clambert@dekalbcountyga.gov>
Sent: Monday, March 17, 2014 2:15 PM
To: Schiff, Sara
Subject: RE: DeKalb County Stipulated Penalties for 2013

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Record Saved - Shared

If you would please send us the letter and we will process accordingly. We have no issues with the penalty.

Charles

Charles Lambert
Assistant Director, Operations
Department of Watershed Management
770-621-7231 770-621-7205 fax

Leadership DeKalb Class of 2009

From: Schiff, Sara [mailto:Schiff.Sara@epa.gov]
Sent: Monday, March 17, 2014 2:13 PM
To: Lambert, Charles
Subject: RE: DeKalb County Stipulated Penalties for 2013

Charles,

Once DeKalb is ready to pay the penalty, the EPA will send a formal stipulated penalty demand letter that will include instructions for payment. It will be exactly like the County paid the 2012 stipulated penalty.

Sara Schiff
(404) 562-9870

From: Lambert, Charles [mailto:clambert@dekalbcountyga.gov]
Sent: Monday, March 17, 2014 2:12 PM
To: Schiff, Sara
Subject: RE: DeKalb County Stipulated Penalties for 2013

Sara,

How do you want the payment? Check with a letter or direct deposit like the big one at the beginning.

Charles

Charles Lambert
Assistant Director, Operations
Department of Watershed Management
770-621-7231 770-621-7205 fax

Leadership DeKalb Class of 2009

From: Schiff, Sara [<mailto:Schiff.Sara@epa.gov>]
Sent: Thursday, March 06, 2014 10:30 AM
To: Chansler, James M.
Cc: Lambert, Charles; Bush, William; Shahbazaz, Marzieh; Yeh, Hsin-Sheng; Horsey, Maurice
Subject: DeKalb County Stipulated Penalties for 2013

Dr. Chansler,

I hope you're having a great week so far. The EPA and EPD have calculated the 2013 stipulated penalties for DeKalb County based on the contents of the Consent Decree and reported spills. DeKalb County reported 127 spills from January 1, 2013, to December 31, 2013, and the calculated stipulated penalty for these spills is \$64,000. Included in the 127 spills is one major spill that occurred on December 21, 2013. As a result of the circumstances surrounding some of the spills, the EPA and EPD have decided to exercise its enforcement discretion and only assess a stipulated penalty of \$54,000 for 107 spills. Stipulated penalties were not assessed for spills less than 1,000 gallons, caused by vandalism or outside contractor error, or caused by significant rain events on May 4, 2013, May 5, 2013, and August 21, 2013.

Please let me know if you would like to set up a meeting, either in person or by telephone, to discuss the stipulated penalty.

Thanks,

Sara Schiff
Environmental Engineer
Clean Water Enforcement Branch
US EPA - Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
P: (404) 562-9870
F: (404) 562-9729

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 20 2017

CERTIFIED MAIL 7016 0600 0000 3846 8142
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (EPD) have reviewed DeKalb County's (the County's) Quarterly SSO Reports that were submitted from the First Quarter of 2015 (dated April 20, 2015) to the Fourth Quarter of 2016 (dated January 30, 2017) under Section IX (Reporting Requirements) of the Consent Decree, as well as the County's November 1, 2016 Supplement to Previously Submitted Quarterly SSO Reports (Supplement Report).

Pursuant to Paragraph 65 of the Consent Decree, the United States and/or the State of Georgia may assess a stipulated penalty for each Spill (discharge of wastewater from the collection system which pollutes waters of the United States or the State) in a dollar amount that is dependent on the size of the Spill and when the Spill occurred. Stipulated penalties totaling \$69,000 for the 116 Spills that occurred from January 1, 2015, through December 31, 2015 could thus be assessed, and stipulated penalties totaling \$76,500 for the 135 Spills that occurred from January 1, 2016, through December 31, 2016 could also be assessed. Taking into account circumstances surrounding some of the Spills, and as permitted by the Consent Decree, the EPA and EPD have decided to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA and EPD hereby demand stipulated penalties in the amount of \$49,000 for Spills in 2015 and \$26,500 for Spills in 2016.

The County also found evidence of 48 previously-unreported Spills as documented in the Supplement Report. Because the volume of these Spills could not be determined, the EPA and EPD have assumed that all 48 Spills were greater than 10,000 gallons. These 48 Spills are subject to a stipulated penalty of \$34,000. The EPA and EPD hereby demand stipulated penalties in the amount of \$34,000 for these 48 Spills.

Pursuant to Paragraph 65 of the Consent Decree, the United States and/or the State of Georgia may assess stipulated penalties for failure to submit timely Quarterly SSO Reports and Annual Reports that is dependent on the number of days beyond the due date the required Report is submitted. The EPA and

EPD consider the 17 Quarterly SSO Reports submitted from the First Quarter of 2012 to the First Quarter of 2016 and the four Annual Reports submitted for 2012 to 2015 to be not consistent with the applicable criteria for such reports as set forth in Section IX of the Consent Decree because they failed to accurately report all Sanitary Sewer Overflows (SSOs) that occurred in the applicable reporting period. The EPA and EPD acknowledge the County's efforts to identify these previously unreported SSOs as reported in its November 1, 2016 Summary of DeKalb County's Discovery, Investigation, and Correction of Sanitary Sewer Overflows Reporting Concerns. After review of the submitted documentation, the EPA and EPD hereby demand stipulated penalties in the amount of \$147,500 for these inaccurate Quarterly SSO and Annual Reports.

The total amount of stipulated penalties due pursuant to this letter is \$294,000 (\$49,000 + \$63,500 + \$34,000 + \$147,500). In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$147,000 (50%) of the stipulated penalties to the United States and \$147,000 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The Financial Litigation Unit of the U.S. Attorney's Office will provide the County with electronic funds transfer wiring instructions for the payment to the United States. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia and tendered to the Georgia Environmental Protection Division: ATTN: Mr. Lewis Hays; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 69 and 10 of the Consent Decree.

If you have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,



Dennis J. Bond, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division



Richard E. Dunn, Director
Georgia Environmental Protection Division

cc: See Attached Mailing List

Mailing List:

Mr. Thomas Mariani, Jr.
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. James Coots
Georgia Department of Law

Mr. James Capp
Georgia Environmental Protection Division

Mr. Lewis Hays
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Hsin-Sheng Yeh
Georgia Environmental Protection Division

Ms. Overtis Brantley
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Mr. Scott Towler
DeKalb County Department of Watershed Management

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Armstrong, Kathy

From: Bush, William
Sent: Thursday, July 13, 2017 9:01 AM
To: Janovitz, Sara
Cc: Russell, Heather
Subject: FW: EFT PAYMENT POSTED-DEKALB COUNTY OF GA-NORTHERN DISTRICT OF GEORGIA

Sara, please send a copy of the stip demand to Heather in Cincinnati Finance Office. Thanks.

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Tuesday, July 11, 2017 5:12 PM
To: Bush, William <Bush.William@epa.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>
Subject: FW: EFT PAYMENT POSTED-DEKALB COUNTY OF GA-NORTHERN DISTRICT OF GEORGIA

FYI

From: Davis, Joe (ENRD)
Sent: Tuesday, July 11, 2017 3:43 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Kim, Sarah (ENRD) <SKim@ENRD.USDOJ.GOV>; Haloj, Kristen (ENRD) <KHaloj@ENRD.USDOJ.GOV>
Subject: FW: EFT PAYMENT POSTED-DEKALB COUNTY OF GA-NORTHERN DISTRICT OF GEORGIA

Hi Valerie,

Payment has been made by Dekalb County. Thanks.

Joe

From: Crawford, Cynthia L (JMD)
Sent: Tuesday, July 11, 2017 3:41 PM
To: Holloway, Diane (USAGAN) <Diane.Holloway@usdoj.gov>; Travis, Brenda D (JMD) <btravis@jmd.usdoj.gov>; Davis, Joe (ENRD) <JDavis@ENRD.USDOJ.GOV>; Kim, Sarah (ENRD) <SKim@ENRD.USDOJ.GOV>; Haloj, Kristen (ENRD) <KHaloj@ENRD.USDOJ.GOV>
Cc: Bailey, Donovan O. (JMD) <dbailey@jmd.usdoj.gov>; Feller, John C (JMD) <jfeller@jmd.usdoj.gov>
Subject: EFT PAYMENT POSTED-DEKALB COUNTY OF GA-NORTHERN DISTRICT OF GEORGIA

Hi All,

The EFT payment in the total amount of \$147,000.00 was posted to CDCS Account Number 2012A16850 on July 11, 2017 for Dekalb County of GA The EFT deposit number for this account is GAN17E015

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#11



Department of Watershed Management

Interim Chief Executive Officer

Lee May

Board of Commissioners

District 1

Nancy Jester

District 2

Jeff Rader

District 3

Larry Johnson

District 4

Sharon Barnes Sutton

District 5

Lee May

District 6

Kathie Clanton

District 7

Stan Watson

Via Certified Mail 7012 2920 0001 5189 0614

March 27, 2015

Ms. Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division
United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960

Re U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Ms. Diaz:

This transmittal letter notes that a payment of \$30,000 has been completed for the stipulated penalties owed pursuant to the Consent Decree entered in the above referenced matter.

Please find enclosed the Electronic Funds Transfer ("EFT") authorization form and the EFT transaction record.

Sincerely,


Carver V. Joseph
Assistant Director, Finance
Department of Watershed Management

CVJ:lyw

Enclosure

cc: Mr. W. Benjamin Fisherow
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Ms. Denisse D. Diaz, Chief
Clean Water Enforcement Branch
United States Environmental Protection Agency
3/27/2015
Page 2

Mr. William Phillips
Department of Law

Mr. Hsin-Sheng Yeh
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Lee May, ICEO
DeKalb County Government

Ms. O.V. Brantley, County Attorney
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP



Curr Day Wire Report - GE-
03/26/2015 10:26 AM ET
CUSTOMER ID: DEKAL001
OPERATOR ID: GEVANS

Commercial Electronic Office[®]

DEKALB COUNTY BOARD OF COMMISSIONERS

Wire Transfer Detail Report
As of 03/26/2015

Treasury Information Reporting

Currency: USD
Bank: 000009756
Account: 019002057(GA)

WELLS FARGO BANK, N.A.
WATERSHED ACCOUNTS PAYABLE

Debit	Process	Date	Time	To	Corresponding Bank	Status
30,000.00	03/26/2015 / FEDWIRE	09:02 AM CT		TREAS NYC FUNDS TRANSFER DIVISION US DEPARTMENT OF JUSTICE 15030001	N/A	COMPLETE

Wire Service Reference Number:
032611B7031R012345
Wells Message Number:
150326046551
PC Reference/Confirmation Number:
000000575
Value Date:
03/26/2015
Wire Type:
495
Wire Amount:
30,000.00
Transaction Reference Number:
150326046551
USD Equivalent Amount:
30,000.00
Originator ID:
N/A
Originator Name and Address:
DEKALB COUNTY BOARD OF COMMISSIONER
1300 Commerce Drive
Annex Bldg
DECATUR, GA 30030 US
Instructing Bank Code/ID:
N/A
Instructing Bank Name and Address:
N/A
Sending Party ID:
000008019002057
Sending Party Name and Address:
DEKALB COUNTY BOARD OF COMMISSIONER
2ND FLOOR, THE MALOOF CENTER
1300 COMMERCE DRIVE
DECATUR GA 30030
Bank to Bank Info:
N/A
Beneficiary Bank Code/ID:
N/A
Beneficiary Bank Name and Address:
TREAS NYC FUNDS TRANSFER DIVISION
NEW YORK
NY
Originator to Beneficiary Info:
USAO/GAN
DeKalb County of GA
CDCS #2012A16850
EFT #GAN15E005

Instructed Currency/Amount:
USD/30,000.00
Exchange Rate:
1.000000
Fed/CHIPS/SWIFT Reference Number:
032611B7031R012345
Completed Timestamp:
03/26/2015 09:02 AM CT
Sender Reference Number:
IN15032512250245
Originating Bank Code/ID:
N/A
Originating Bank Name and Address:
N/A
Receiving Party ID:
021030004
Receiving Party Name and Address:
TREAS NYC/FUNDS TRANSFER DIVISION
NEW YORK NY
Intermediary Bank Code/ID:
N/A
Intermediary Bank Name and Address:
N/A
Beneficiary Code/ID:
N/A
Beneficiary Reference ID:
15030001
Beneficiary Name and Address:
US DEPARTMENT OF JUSTICE

Text:
021030004 TREAS NYC/FUNDS TRANSFER DIVISION NEW YORK NY . IN15032512250245 ORG=DEKALB COUNTY BOARD OF COMMISSIONER 1300 Commerce Drive Annex Bldg DECATUR, GA 30030 US RFB=000000575 OBI=USAO/GAN DeKalb County of GA CDCS #2012A16850 EFT #GAN15E005 /FTR/ BFK=TREAS NYC FUNDS TRANSFER DIVISION NEW YORK NY BNF=15030001 US DEPARTMENT OF JUSTICE COMPLETED TIMESTAMP 03/26/2015 09:02 AM CT

[Contact Us](#) [Help](#)[Close](#)Welcome **Gloria Evans**[Wire Transfer Home](#)
[Reports](#)
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[Template Groups](#)[Initiate Freeform Wire](#)
[Domestic](#)
[International](#)
[Book Transfer](#)
[Federal Tax Payment](#)[Pending Wires](#)
[Awaiting Approval](#)
[Awaiting Repair](#)
[Uploaded Wires](#)
[Unsuccessful](#)
[Future Dated](#)[Wire Templates](#)
[Awaiting Approval](#)
[Awaiting Repair](#)
[Copy / Modify Templates](#)
[Create Template](#)

Access your CEO® portal
services directly with your mobile
device.

[Go!](#)**Initiate Single Wire - Confirmation****OK** Your sequence number is 000000575

You may want to print this page for your records.

Today's Date: 03/25/2015
Today's Time: 4:25 PM ET
Debit Account: 3019002057 [WATERSHED ACCOUNTS PAYABLE]
Transfer Type: DOM
Status: ENTRD
Beneficiary: 15030001 [US DEPARTMENT OF JUSTICE]
Value Date: 03/25/2015
Execution Date: 03/25/2015
Wire Amount: 30,000.00 USD

[Print Page](#)[Print Page](#)

Processed Evans 3/25/15
approved Robert Atkins
3/25/15

[Privacy, Security & Legal](#)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 17 2015

CERTIFIED MAIL 7012 1010 0002 0759 5048
RETURN RECEIPT REQUESTED

Dr. James M. Chansler, P.E.
Director, DeKalb County Department
of Watershed Management
1580 Roadhaven Drive
Stone Mountain, Georgia 30083

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Dr. Chansler:

The U.S. Environmental Protection Agency Region 4 is in receipt of the Quarterly Reports that DeKalb County has submitted from the First Quarter of 2014 (dated April 30, 2014) to the Fourth Quarter of 2014 (dated January 15, 2015) in compliance with Section IX, (Reporting Requirements) of the Consent Decree.

Pursuant to Section X.65.c. and d., of the Consent Decree, the EPA may assess a stipulated penalty for each spill in a dollar amount that is dependent on the size of the spill and when the spill occurred. The EPA could thus assess stipulated penalties totaling \$74,000.00 for the 136 spills that occurred from January 1, 2014, through December 31, 2014. As a result of the circumstances surrounding some of the spills, the EPA has decided to exercise its enforcement discretion to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA hereby demands stipulated penalties, pursuant to Section X.65.c. and d. of the Consent Decree in the amount of \$60,000.00.

In accordance with Section X.67., of the Consent Decree, DeKalb County shall pay (within 30 days of receipt of this letter) \$30,000.00 (50%) of the stipulated penalty to the State of Georgia and \$30,000.00 (50%) of the stipulated penalty to the United States for a total stipulated penalty amount of \$60,000.00. The Financial Litigation Unit will provide DeKalb County electronic funds transfer wiring instructions for the payment to the United States.

12

If you have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,

A handwritten signature in dark ink, appearing to read "Denisse D. Diaz", is written over a faint, circular official stamp.

Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

cc: Mr. W. Benjamin Fisherow
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. William Phillips
Department of Law

Mr. Hsin-Sheng Yeh
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Lee May
DeKalb County Government

Mr. Overtis Brantley
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

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Armstrong, Kathy

From: Janovitz, Sara
Sent: Monday, February 23, 2015 8:58 AM
To: Chansler, James M.
Cc: Lambert, Charles; Bush, William; Horsey, Maurice; Marzieh Shahbazaz; Yeh, Hsin-Sheng
Subject: RE: DeKalb County Stipulated Penalties for 2014

Dr. Chansler,

Thanks for getting back to me. I'll get the official demand letter routing soon. Please let me know if you have any questions.

Have a great morning,
Sara

Sara Schiff Janovitz

Please note my new last name and my new email address. Thanks!

(404) 562-9870

From: Chansler, James M. [mailto:jmchansler@dekalbcountyga.gov]
Sent: Thursday, February 19, 2015 9:58 AM
To: Janovitz, Sara
Cc: Lambert, Charles; Bush, William; Horsey, Maurice; Marzieh Shahbazaz; Yeh, Hsin-Sheng
Subject: RE: DeKalb County Stipulated Penalties for 2014

Ms. Janovitz,

Thank you for the email below. We understand the details behind the stipulated penalties and a meeting will not be necessary.

Thanks very much.

-James

From: Janovitz, Sara [mailto:Janovitz.Sara@epa.gov]
Sent: Tuesday, February 17, 2015 11:24 AM
To: Chansler, James M.
Cc: Lambert, Charles; Bush, William; Horsey, Maurice; Marzieh Shahbazaz; Yeh, Hsin-Sheng
Subject: DeKalb County Stipulated Penalties for 2014

Dr. Chansler,

I hope you're staying warm! The EPA and EPD have calculated the 2014 stipulated penalties for DeKalb County based on the contents of the Consent Decree and reported spills. DeKalb County reported 136 spills from January 1, 2014, to December 31, 2014, and the calculated stipulated penalty for these spills is \$74,000. Included in the 136 spills are twelve major spills. As a result of the circumstances surrounding some of the spills, the EPA and EPD have decided to exercise its enforcement discretion and only assess a stipulated penalty of \$60,000.

Please let me know if you would like to set up a meeting, either in person or by telephone, to discuss the stipulated penalty.

Thanks,

Sara Schiff Janovitz

Please note my new last name and my new email address. Thanks!

Environmental Engineer
NPDES Permitting and Enforcement Branch
US EPA - Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
P: (404) 562-9870
F: (404) 562-9729

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#24

Armstrong, Kathy

From: Janovitz, Sara
Sent: Friday, March 27, 2015 11:17 AM
To: Bush, William
Cc: Russell, Heather; Shirley, Teresa
Subject: RE: EFT PAYMENT POSTED - DEKALB, COUNTY OF GEORGIA - GEORGIA-NORTHERN
Attachments: DeKalb 2014 Stipulated Penalties Demand Letter.pdf

Heather and Teresa-

Here's a copy of the demand letter for DeKalb County's 2014 stipulated penalties. Please let me know if you have any questions or need any information.

Thanks!

Sara Schiff Janovitz

(404) 562-9870

From: Bush, William
Sent: Friday, March 27, 2015 11:03 AM
To: Janovitz, Sara
Cc: Russell, Heather; Shirley, Teresa
Subject: FW: EFT PAYMENT POSTED - DEKALB, COUNTY OF GEORGIA - GEORGIA-NORTHERN

Sara, if you haven't already done so, can you forward a pdf of our demand letter to Heather Russell and Teresa Shirley?
Thanks.

From: Mann, Valerie (ENRD) [<mailto:Valerie.Mann@usdoj.gov>]
Sent: Friday, March 27, 2015 9:11 AM
To: Bush, William; Janovitz, Sara
Subject: FW: EFT PAYMENT POSTED - DEKALB, COUNTY OF GEORGIA - GEORGIA-NORTHERN

FYI

From: Davis, Joe (ENRD)
Sent: Thursday, March 26, 2015 3:14 PM
To: Mann, Valerie (ENRD)
Cc: Davis, Buffy (ENRD); McMullen, Rebecca (ENRD)
Subject: FW: EFT PAYMENT POSTED - DEKALB, COUNTY OF GEORGIA - GEORGIA-NORTHERN

DeKalb has paid. Thanks.

From: Pilli, Jaya P (JMD)
Sent: Thursday, March 26, 2015 1:40 PM
To: Bournes, Leslie C (JMD); Pham, Mai (JMD); Jeanty, TaNeisha; Gumbs-Briscoe, Collette (JMD); Travis, Brenda D (JMD);

Raulerson, William W. (JMD); Holloway, Diane (USAGAN); Davis, Joe (ENRD); Davis, Buffy (ENRD); McMullen, Rebecca (ENRD)

Cc: Feller, John C (JMD); Hargrow, Brenda W. (JMD)

Subject: EFT PAYMENT POSTED - DEKALB, COUNTY OF GEORGIA - GEORGIA-NORTHERN

Good Afternoon All-

An EFT payment in the total amount of \$30,000.00 was posted to CDCS Account Number 2012A16850 on March 26, 2015, For DEKALB, COUNTY OF GEORGIA. The EFT deposit number for this account is GAN15E005

Please let me know if you have any question or concerns.

Thank you,

Jaya Pilli
Two Constitution Square
145 N Street, NE
Washington, DC 20025
202.532.4355

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 17 2015

CERTIFIED MAIL 7012 1010 0002 0759 5048
RETURN RECEIPT REQUESTED

Dr. James M. Chansler, P.E.
Director, DeKalb County Department
of Watershed Management
1580 Roadhaven Drive
Stone Mountain, Georgia 30083

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Dr. Chansler:

The U.S. Environmental Protection Agency Region 4 is in receipt of the Quarterly Reports that DeKalb County has submitted from the First Quarter of 2014 (dated April 30, 2014) to the Fourth Quarter of 2014 (dated January 15, 2015) in compliance with Section IX, (Reporting Requirements) of the Consent Decree.

Pursuant to Section X.65.c. and d., of the Consent Decree, the EPA may assess a stipulated penalty for each spill in a dollar amount that is dependent on the size of the spill and when the spill occurred. The EPA could thus assess stipulated penalties totaling \$74,000.00 for the 136 spills that occurred from January 1, 2014, through December 31, 2014. As a result of the circumstances surrounding some of the spills, the EPA has decided to exercise its enforcement discretion to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA hereby demands stipulated penalties, pursuant to Section X.65.c. and d. of the Consent Decree in the amount of \$60,000.00.

In accordance with Section X.67., of the Consent Decree, DeKalb County shall pay (within 30 days of receipt of this letter) \$30,000.00 (50%) of the stipulated penalty to the State of Georgia and \$30,000.00 (50%) of the stipulated penalty to the United States for a total stipulated penalty amount of \$60,000.00. The Financial Litigation Unit will provide DeKalb County electronic funds transfer wiring instructions for the payment to the United States.

If you have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,

A handwritten signature in black ink, appearing to read "Denisse D. Diaz". The signature is fluid and cursive, with the first name "Denisse" and last name "Diaz" clearly distinguishable.

Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

cc: Mr. W. Benjamin Fisherow
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. William Phillips
Department of Law

Mr. Hsin-Sheng Yeh
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Lee May
DeKalb County Government

Mr. Overtis Brantley
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP